# EXHIBIT 77 TO

# HARVEY DECLARATION

# REDACTED VERSION

| From: | Shona Brown | | Sent:2/16/2006 4:38 PM |
|-------|-------------|---|----------|
| To: [ - ] | Eric Schmidt; Alan Eustace | | |
| Cc: [ - ] | Arnnon Geshuri | | |
| Bcc: [ - ] | | | |
| Subject: | Fwd: FW: Recruiting | | |

Eric/Alan-
Arnnon provides comprehensive report below. Bottom line -- we don't believe there is any merit in Steve Job's assertion re. poaching of Apple engineers.
Shona

---------- Forwarded message ----------
From: Arnnon Geshuri <arnnon@google.com>
Date: Feb 15, 2006 9:42 AM
Subject: RE: FW: Recruiting
To: Shona Brown <shona@google.com>

Findings of Investigation:

Exec Summary:

* Staffing is adhering to the "Do Not Call" protocol for Apple and understands there is no cold calling into the company
* Over the last 36 hours, staffing spoke with 15 people from the Android, Wireless, and Mac engineering teams on this topic.
* Andy Rubin, who leads Android, has been extremely explicit with everyone on the Android team not to touch folks at Apple. Staffing provided Andy and team with the protocol several months ago. They have not formally interviewed anyone at Apple.
* Findings indicate that there have been ongoing interactions between Google and Apple iPod engineers on a more social level.
* Conclusion: We have not found any evidence that we are targeting the iPod team and both staffing and engineers are very aware of our do not touch protocol with Apple.

Details on Current Apple Activity Related to the iPod Team:

* ███████████████████████████████████████████████████████████████████From our conversations with him, he admits that he brings "old friends" from Apple over here for lunch a couple of times a week, but does not try and recruit them.
* ███████████████████████ who may be on the iPod team had a social lunch here two months ago with ██████
███████████████████████████████
* ████████████████████████who works on the iPod team is a common IM chat buddy and friend with several of the Android folks. They have never talked about recruiting and contend they are "just friends."
* ████████████████████ who works on the iPod team did come to Google for lunch before Christmas for a "soft sell" after a few of the Android engineers heard he was unhappy through another engineer working at Apple.
████████apparent discontent at Apple was due to ████████████ (sp?) quitting as the leader of a secret iPod development group - which resulted in the project being shelved. The Apple team found themselves without a leader and project to work on so they quickly became unhappy and unsure about the future.████████was from that group and the only one who spoke to anyone at Google. He successfully found another role within Apple and is still there.

Additional Recruiting Activity

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Special Note:

* There is a candidate that has been interviewing with us by the name ▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮▮ ▮▮▮▮▮▮▮ who will most likely join our Linux Kernel group. Per Robert Nielsen, Google SWE, "it will hurt Apple a lot if he leaves, so we may hear about that one." He has not received an offer yet (he's in initial EMG review) and we are assuming that Apple is not aware of this. But Google is clean on this one - we have a paper trail that shows that he applied directly through jobs@google.

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From: Shona Brown [mailto:shona@google.com]
Sent: Tuesday, February 14, 2006 4:45 PM
To: Arnnon Geshuri
Subject: Re: FW: Recruiting


If that is the case, find out whether they told any recruiters what they were doing (who should have told them about Apple sensitivities).
slb


On 2/14/06, Arnnon Geshuri <arnnon@google.com > wrote:

I am investigating and upon initial review it looks like the engineers from the Android team are reaching out directly to their contacts on the iPod team at Apple. I am getting confirmation asap on this and want to look through the information and will report back the facts.

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From: Shona Brown [mailto:shona@google.com]
Sent: Tuesday, February 14, 2006 4:33 PM
To: Arnnon Geshuri
Cc: Sergey Brin; Eric Schmidt
Subject: Re: FW: Recruiting


Arnnon-
Pls investigate and send me a full report. I assume we have been carefully following the protocol. But, please get the facts and get back to me. thx.
Shona


On 2/13/06, Eric Schmidt <eschmidt@google.com > wrote:

Please review and make sure we are not recruiting Apple.. Eric

-----Original Message-----
From: Steve Jobs [mailto: sjobs@apple.com]
Sent: Monday, February 13, 2006 3:15 PM
To: Eric Schmidt
Subject: Recruiting

Eric,

I am told that Googles new cell phone software group is relentlessly recruiting in our iPod group. If this is indeed true, can you put a stop to

it?

Thanks,
Steve